

ORDINANCE No. 112976

COUNCIL BILL No. 105555

AN ORDINANCE relating to noise control; reenacting Ordinance 111458, as modified and amended, and amending Seattle Municipal Code 25.09 by adding Sections 25.09.425 and 25.09.535 to regulate noise caused by construction and equipment operations, and amending Sections 25.09.530, 25.09.540 and 25.09.080.

7/22/86

DO PASS

COMPTROLLER FILE No. _____

Introduced: JUN 9 1986	By: EXECUTIVE REQUEST
Referred: JUN 9 1986	To: EM
Referred: 6-9-86	To: Public Safety
Reported: JUL 28 1986	Second Reading: JUL 28 1986
Third Reading: JUL 28 1986	Signed: JUL 28 1986
Presented to Mayor: JUL 29 1986	Approved: AUG 5 1986
Returned to City Clerk: AUG 5 1986	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Law Department

The City of Seattle--Legis

REPORT OF COM

Honorable President:

Your Committee on Public Safety

to which was referred the within Council Bill No. 10
report that we have considered the same and respectfully

DO PASS

Committee C

Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

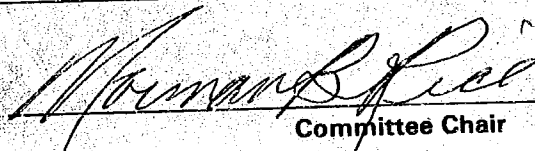
REPORT OF COMMITTEE

Honorable President:

Your Committee on Public Safety

to which was referred the within Council Bill No. 105555
report that we have considered the same and respectfully recommend that the same:

DO PASS


Committee Chair

MPM:sr
5/30/86
ORD8.

105555
#5

ORDINANCE 112976

AN ORDINANCE relating to noise control; reenacting Ordinance 111458, as modified and amended, and amending Seattle Municipal Code Chapter 25.08 by adding Sections 25.08.425 and 25.08.535 to regulate noise caused by construction and equipment operations, and amending Sections 25.08.530, 25.08.540 and 25.08.080.

WHEREAS, on December 12, 1983 Ordinance 111458 was passed by the City Council and approved by the Mayor on December 15, 1983; and

WHEREAS, it was subsequently discovered that prior to passage there had been an inadvertent failure to review Ordinance 111458 pursuant to the State Environmental Policy Act (SEPA) and the City SEPA Ordinance; and

WHEREAS, the City has now completed the necessary environmental review and desires to reenact Ordinance 111458 essentially unchanged, with some minor modifications to SMC Section 25.08.425 in order to correct an inadvertent omission; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Ordinance 111458 is hereby reenacted, as modified and amended, and there is added to Chapter 25.08 of the Seattle Municipal Code a new section as follows:

Section 25.08.425. CONSTRUCTION AND EQUIPMENT OPERATIONS.

A. The maximum permissible sound levels established by Section 25.08.410 and 25.08.420, as measured from the real property of another person or at a distance of fifty (50) feet from the equipment, whichever is greater, may be exceeded between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends by no more than the following dB(A)s for the following types of equipment:

1. 25 dB(A) for equipment on construction sites, including but not limited to crawlers, tractors, dozers, rotary drill and augers, loaders, power shovels, cranes,

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derricks, graders, off-highway trucks, ditchers, trenches, compactors, compressors, and pneumatic powered equipment;

2. 20 dB(A) for portable powered equipment used in temporary locations in support of construction activities or used in the maintenance of public facilities, including but not limited to chain saws, log chippers, lawn and garden maintenance equipment, and powered hand tools; or

3. 15 dB(A) for powered equipment used in the temporary or periodic maintenance or repair of the grounds and appurtenances of residential property, including but not limited to lawn mowers, powered hand tools, snow-removal equipment, and composters.

B. Sounds created by impact types of construction equipment, including but not limited to pavement breakers, pile drivers, jack hammers, sandblasting tools, or any other types of equipment or devices which created impulse noise or impact noise or is used as impact equipment, as measured at the property line or fifty (50) feet from the equipment, whichever is greater, may exceed the maximum permissible sound levels established in Subsection A of this section in any one (1) hour period between the hours of eight (8:00) a.m. and five (5:00) p.m. weekdays and nine (9:00) a.m. and five (5:00) p.m. weekends, but in no event to exceed the following:

1. Leq 90 dB(A) continuously;
2. Leq 93 dB(A) for thirty (30) minutes;
3. Leq 96 dB(A) for fifteen (15) minutes;
4. Leq 99 dB(A) for seven and a half (7.5) minutes;

provided that sound levels in excess of Leq 99 dB(A) are prohibited unless authorized by variance obtained from the administrator; and provided further that sources producing

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1 sound levels less than 90 dB(A) shall comply with Subsection A
2 of this section during those hours not covered by this
3 Subsection B.

4 The standard of measurement shall be one (1) hour Leq.
5 Leq may be measured for times not less than one (1) minute and
6 used to project an hourly Leq. Reference to one (1) hour is
7 for measurement purposes only and shall not be construed as
8 limiting construction to a one (1) hour period.

9 These Subsections A and B shall be reviewed periodically
10 by the City to assure that the sound level limits are
11 technically feasible.

12 C. The maximum permissible sound levels established in
13 Subsection B of this section may be increased by 5 dB(A) when
14 sound levels are measured with an impulse sound level meter
15 operated consistently with Section 25.08.680.

16 D. Construction activity that exceeds the maximum per-
17 missible sound levels established by Section 25.08.410, when
18 measured from the interior of buildings within a commercial
19 district, is prohibited between the hours of eight (8:00) a.m.
20 and five (5:00) p.m. For the purposes of this Subsection D,
21 interior sound levels shall be measured only after every
22 reasonable effort, including but not limited to closing
23 windows and doors, is taken to reduce the impact of the
24 exterior construction noise.

25 Section 2. Section 25.08.530 of the Seattle Municipal
26 Code is amended as follows:

27 Section 25.08.530. SOUNDS EXEMPT AT ALL TIMES.

28 A. The following sounds are exempt from the provisions of
this chapter at all times:

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1 1. Sounds originating from aircraft in flight, and
2 sounds which originate at airports and are directly related to
3 flight operations;

4 2. Sounds created by safety and protective devices
5 such a relief valves, where noise suppression would defeat the
6 safety release intent of the device;

7 3. Sounds created by fire alarms;

8 4. Sounds created by emergency equipment and
9 emergency work necessary in the interests of law enforcement
10 or of the health, safety or welfare of the community;

11 5. Sounds created by the discharge of firearms in
12 the course of lawful hunting activities;

13 6. Sounds created by natural phenomena;

14 7. Sounds originating from forest harvesting and
15 silviculture activity and from commercial agriculture, if the
16 receiving property is located in a commercial or industrial
17 district of the City;

18 8. Sounds created by auxiliary equipment or motor
19 vehicles used for highway maintenance; and

20 9. Sounds created by warning devices or alarms not
21 operated continuously for more than thirty (30) minutes per
22 incident.

23 ((B. The City Council intends to amend this chapter by
24 enacting specific regulations for the following sounds, each
25 which shall be exempt from the provisions of this chapter at
26 all times until a specific amendment applying to that sound
27 has been adopted:))

28 ((1. Sounds created by the operation of equipment or
facilities of surface carriers engaged in commerce by
railroad;))

((2- Sounds created by float planes; and))

1 ((3- Sounds created by construction equipment, including
2 special construction vehicles and emanating from temporary
3 construction sites, if the receiving property is located in a
4 commercial or industrial district of the City-))

5 Section 3. There is added to Chapter 25.08 of the Seattle
6 Municipal Code a new section as follows:

7 Section 25.08.535. SOUND EXEMPTIONS FOR PRIOR CONSTRUCTION
8 PROJECTS.

9 Sounds created by equipment used in any construction
10 project for which the call for bids has commenced prior to the
11 effective date of this ordinance are exempt from the
12 provisions of this chapter during the following periods of
13 time:

14 A. At all times if the receiving property is located in
15 a nonresidential district of the City; or

16 B. Between the hours of seven (7:00) a.m. and ten
17 (10:00) p.m. on weekdays and between the hours of nine (9:00)
18 a.m. and ten (10:00) p.m. on weekends if the receiving
19 property is located in a residential district of the City.

20 Section 4. Chapter 25.08.540 of the Seattle Municipal
21 Code is amended as follows:

22 Section 25.08.540. SOUNDS EXEMPT DURING DAYTIME HOURS--
23 GENERALLY.

24 A. The following sounds are exempt from the provisions
25 of this chapter between the hours of seven (7:00) a.m. and ten
26 (10:00) p.m. on weekdays and between the hours of nine (9:00)
27 a.m. and ten (10:00) p.m. on weekends:

28 1. Sounds created by bells, chimes, or carillons
not operating for more than five (5) minutes in any one (1)
hour;

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2. Unamplified sounds originating from officially sanctioned parades and other public events;

3. Sounds created by the discharge of firearms on legally established shooting ranges;

4. Sounds created by blasting;

5. Sounds originating from forest harvesting and silviculture activity and from commercial agriculture if the receiving property is located in a residential district of ((King County)) the City. The administrator is authorized to promulgate regulations which extend the hours during which this exemption is in effect to conform with operating hours designated by the Washington State Department of Natural Resources in directing an official fire closure.

((B. The City Council intends to amend this chapter by enacting specific regulations for the following sounds, each of which shall be exempt from the provisions of this chapter between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekends and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends, until a specific amendment applying to that sound has been adopted:))

((1. Sound created by construction equipment, including special construction vehicles, and emanating from temporary construction sites, if the receiving property is located in a rural or residential district in King County;))

((2. Sounds created by the installation or repair of essential utility services;))

((3. Sounds created by maintenance operations on public facilities;))

((4. Sounds created by powered equipment used in temporary or periodic maintenance or repair of residential

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1 property, including grounds and appurtenances, such as lawn
2 mowers, powered hand tools, snow removal equipment, and
3 composters.))

4 Section 5. Section 25.08.080 of the Seattle Municipal
5 Code is amended as follows:

6 Section 25.08.080. CONSTRUCTION.

7 "Construction" means any site preparation, assembly,
8 erection, demolition, substantial repair, maintenance,
9 alteration, or similar action for or of public or private
10 rights-of-way, structures, utilities, or similar property.

11 Section 6. EFFECTIVE DATE.

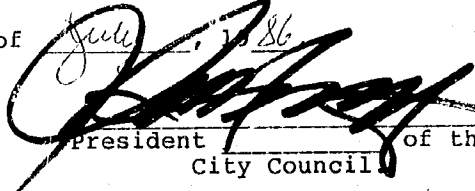
12 This ordinance shall take effect and be in force upon the
13 occurrence of the following conditions, whichever is later:

14 A. Thirty (30) days from and after its passage and
15 approval, if approved by the Mayor; otherwise it shall take
16 effect at the time it shall become a law under the provisions
17 of the City Charter; and
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1 B. The effective date of approval by the Department of
2 Ecology pursuant to RCW 70.107.060(4).

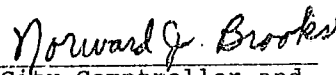
3 Passed by the City Council the 28 day of July,
4 1986, and signed by me in open session in authentication of
5 its passage this 28 day of July, 1986.

6 
7 President of the
8 City Council

9 Approved by me this 5th day of August, 1986.


10 
11 Mayor

12 Filed by me this 5th day of August, 1986.

13 Attest: 
14 City Comptroller and
15 City Clerk.

16 (SEAL)

17 Published _____

18 By 
19 Deputy Clerk

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City of Seattle King County
Charles Royer, Mayor Randy Revaiio, Executive

Seattle-King County Department of Public Health
Bud Nicola, M.D., M.H.S.A., Director

February 13, 1986

REC'D 0110 MAR 04 1986

The Honorable Sam Smith
President, Seattle City Council
11th Floor, Municipal Building

831713

Dear Mr. Smith:

The Department of Public Health recommends adoption of the enclosed ordinance which is an amendment to Seattle Municipal Code 25.08 relating to sounds made by construction operation, maintenance of public facilities, and repair and maintenance of public or residential properties.

As you may remember, the Council passed a similar ordinance in December of 1983 numbered 111458. However, prior to submission to the State Department of Ecology for final approval it was determined that the ordinance must undergo the State Environmental Policy Act review. The legislation has been redrafted on a minor scale so as to be more correctly integrated into the Seattle Municipal Code and the SEPA review has been completed.

Section 1 integrates construction into Seattle Municipal Code 25.03 by allowing greater sound levels for major construction projects and higher sound levels for routine maintenance and repair. The levels vary according to zoning. Construction at night would be required to conform to a lower nighttime sound level as currently noted in Seattle Municipal Code 25.08. Also included in Section 1 is a part regarding impulse or impact equipment requiring sound levels to be measured on an average basis - noted here as an Leq. This allows measurement of such equipment as pile drivers or pavement breakers which have a different sound character than normal construction equipment. Since little is known about the health effects of impulse equipment and also since little research has been done as to the technical ability of the industry to comply with the noted sound levels, a portion of this section includes a requirement that the Health Department review this section to determine that the sound level limits are technically feasible. Section 1 also includes a requirement that buildings in the area where construction activity is taking place be protected from the exterior noise. This is in an attempt to recognize that, especially in the downtown core area of Seattle, an effort should be made to reduce the interior sound levels of adjacent buildings by things such as closing windows and using other sound attenuating measures to avoid unduly exposing the workers or residents to excessive noise.

The Honorable Sam Smith
February 13, 1986
Page Two

Section 2 recognizes that if a call for bid has commenced prior to the effective date of the ordinance that the subject construction project for which a call for bid has commenced shall not be affected by the proposed ordinance.

Section 3 is a housekeeping section that eliminates many of the unnecessary parts of Seattle Municipal Code 25.08.

Section 4 adds to 25.08.080 the word "maintenance" to the definition of construction.

The preparation of the ordinance involved meeting with interested City agencies and industrial organizations. The Board of Public Works, the Parks Department, the Department of Administrative Services, City Light, The Water Department, and the Engineering Department were the City departments contacted. The industry organizations invited were Puget Power, General Telephone, Washington Natural Gas, Cascade Natural Gas, Mechanical Contractors Association, Association of General Contractors and Master Builders Association. Those organizations attending were Howard S. Wright Co., Associated General Contractors, Star Rentals, Inc., and Peter Kewitt Co. The various concerns expressed by the both group have been incorporated in this ordinance and we see no major impact on either the city organizations or the industry organizations.

In conclusion, this ordinance is essentially the same as the ordinance submitted first to the City Council in late 1978 and next in 1983, with the exception of the inclusion of impact or impulse equipment. Now in 1986, it is in a slightly redrafted form of the 1983 ordinance. If the ordinance is passed by the City Council and signed by the Mayor it must then be approved by the State Department of Ecology.

Sincerely,

Bud Nicola

Bud Nicola, M.D.
Director of Public Health

BN:cht
Enc.

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City of Seattle
Charles Royen, Mayor

King County
Randy Revelle, Executive

Seattle-King County Department of Public Health
Bud Nicola, M.D., M.H.S.A., Director

February 13, 1986

Jim Ritch, Acting Director
Office of Management and Budget
200 Municipal Building

Attention: Marian Merkel

Dear Ms. Merkel:

Enclosed you will find draft legislation to amend the Noise Ordinance to regulate sounds created by construction activities. This legislation was reviewed by the various affected City departments, the interested industry representatives, and the Public Safety and Health Committee of the Seattle City Council in 1983 and was passed by the City Council and signed by the Mayor December 7, 1983. The Ordinance number was 111458. Prior to sending this ordinance to the State Department of Ecology for final approval the Law Department informed the Health Department that the State Environmental Policy Act applied to this ordinance and we would, therefore, have to resubmit it after going through the SEPA guideline checklist. The Law Department then did some minor redrafting to make the ordinance similar to the existing Noise Code and the Health Department completed the SEPA checklist. We are now resubmitting the ordinance for consideration by the Seattle City Council.

Also enclosed please find a cover letter to the President of the City Council explaining the ordinance and SOP 100-014.

If you require additional information, please contact Curt Horner at 587-2204.

Sincerely,

Bud

Bud Nicola, M.D.
Director of Public Health

BN:cht
Enc.

SOP 100-014
REQUEST FOR LEGISLATIVE ACTION

Section 1. An Ordinance relating to the Public Health Department, Noise Control, amending Chapter 25.08 of the Seattle Municipal Code by adding Section 25.08.425 to regulate noise caused by construction and equipment operation and amending Section 25.08.530, Section 25.08.540 and Section 25.08.080.

Section 2. Objectives of the Ordinance are:

- a. Control construction and equipment operation in the City of Seattle by dictating allowable sound levels from various types of equipment, both standard types of equipment such as crawler tractors, portable power equipment, and equipment used in maintenance and repair of residential or public property and equipment commonly called impact equipment such as pavement breakers, pile drivers, and jack hammers.
- b. A housekeeping section which eliminates many of the unnecessary parts of Seattle Municipal Code 25.08.
- c. Changes the definition of the word construction to add the word "maintenance".

Section 3. Fiscal Requirements. Not applicable.

Section 4. Personnel Requirement. Not applicable.

Section 5. Facility and Equipment Requirement. Not applicable.

Section 6. Evaluation Criteria Reporting. The reporting statistics are kept monthly and reviewed monthly, as are all other statistics in the Noise Program.

Section 7. Alternatives would be to not consider the Ordinance as has been required by the original Noise Ordinance 106360 which has been codified as Seattle Municipal Code 25.08. This would result in further complaints by both the downtown core area community of Seattle and the outlining areas of Seattle where construction has become a major noise problem.

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G.B.# 8169

City of Seattle

Executive Department-Office of Management and Budget

Gary Zarker, Director
Charles Royer, Mayor



March 12, 1986

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING

DEPARTMENT: Seattle King-County Department of Public Health

SUBJECT: Regulation of noise caused by construction and equipment operations.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

- (X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.
- () Do not file with City Council, but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

by

Jim Ritch
JIM RITCH
Acting Budget Director

JR/mm/ea

Enclosure

cc: Director, Health Department

From / Monro

*OK
MBW
6/2/86*

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MAR 13 1986

DO NOT DESTROY

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE NO. _____

AN ORDINANCE relating to noise control; amending Seattle Municipal Code Chapter 25.08 by adding Sections 25.08.425 and 25.08.535 to regulate noise caused by construction and equipment operations, and amending Section 25.08.530 (Ordinance 106360, Section 601, as last amended by Ordinance 106360, Section 602, as last amended by Ordinance 108498, Section 1), Section 25.08.080 (Ordinance 106360, Section 204), and superseding Ordinance 111458.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Chapter 25.08 of the Seattle Municipal Code a new section as follows:

Section 25.08.425. CONSTRUCTION AND EQUIPMENT OPERATIONS.

A. The maximum permissible sound levels established by Section 25.08.410 and 25.08.420, as measured from the real property of another person or at a distance of fifty (50) feet from the equipment, whichever is greater, may be exceeded between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends by no more than the following dB(A)s for the following types of equipment:

1. 25 dB(A) for equipment on construction sites, including but not limited to crawlers, tractors, dozers, rotary drill and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors, compressors, and pneumatic powered equipment;

2. 20 dB(A) for portable powered equipment used in temporary locations in support of construction activities or used in the maintenance of public facilities, including but not limited to chain saws, log chippers, lawn and garden maintenance equipment, and powered hand tools; or

3. 15 dB(A) for powered equipment used in the temporary or periodic maintenance or repair of the grounds and appurtenances of residential property, including but not limited to lawn mowers, powered hand tools, snow-removal equipment, and composters.

B. Sounds created by impact types of construction equipment, including but not limited to pavement breakers, pile drivers, jack hammers, sandblasting tools, or any other types of equipment or devices which created impulse noise

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1 or impact noise or is used as impact equipment, as measured at the property
2 line or fifty (50) feet from the equipment, whichever is greater, may exceed
3 the maximum permissible sound levels established in Subsection A of this
4 section in any one (1) hour period between the hours of eight (8:00) a.m. and
5 five (5:00) p.m. weekdays and nine (9:00) a.m. and five (5:00) p.m. weekends,
6 but in no event to exceed the following:

- 7 1. Leq 90 dB(A) continuously;
- 8 2. Leq 93 dB(A) for thirty (30) minutes;
- 9 3. Leq 96 dB(A) for fifteen (15) minutes;
- 10 4. Leq 99 dB(A) for seven and a half (7.5) minutes; provided that
11 sound levels in excess of Leq 99 dB(A) are prohibited unless authorized by
12 variance obtained from the administrator; and provided further that sources
13 producing sound levels less than 90 dB(A) shall comply with Subsection A of
14 this section during those hours not covered by this Subsection B.

15 The standard of measurement shall be one (1) hour Leq. Leq may be
16 measured for times not less than one (1) minute and used to project an hourly
17 Leq. Reference to one (1) hour is for measurement purposes only and shall not
18 be construed as limiting construction to a one (1) hour period.

19 These Subsections A and B shall be reviewed periodically by the City to
20 assure that the sound level limits are technically feasible.

21 C. The maximum permissible sound levels established in Subsection B of
22 this section may be increased by 5 dB(A) when sound levels are measured with an
23 impulse sound level meter operated consistently with Section 25.08.680.

24 D. Construction activity that exceeds the maximum permissible sound
25 levels established by Section 25.08.410, when measured from the interior of
26 buildings within a commercial district, is prohibited between the hours of
27 eight (8:00) a.m. and five (5:00) p.m. For the purposes of this Subsection D,
28 interior sound levels shall be measured only after every reasonable effort,
29 including but not limited to closing windows and doors, is taken to reduce the
30 impact of the exterior construction noise.

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1 Section 2. Section 25.08.530 of the Seattle Municipal Code (Ordinance
2 106360, Section 601, as amended by Ordinance 110047, Section 3) is amended as
3 follows:

4 Section 25.08.530. SOUNDS EXEMPT AT ALL TIMES.

5 A. The following sounds are exempt from the provisions of this chapter at
6 all times:

7 1. Sounds originating from aircraft in flight, and sounds which
8 originate at airports and are directly related to flight operations;

9 2. Sounds created by safety and protective devices such as relief
10 valves, where noise suppression would defeat the safety release intent of the
11 device;

12 3. Sounds created by fire alarms;

13 4. Sounds created by emergency equipment and emergency work necessary
14 in the interests of law enforcement or of the health, safety or welfare of the
15 community;

16 5. Sounds created by the discharge of firearms in the course of
17 lawful hunting activities;

18 6. Sounds created by natural phenomena;

19 7. Sounds originating from forest harvesting and silviculture
20 activity and from commercial agriculture, if the receiving property is located
21 in a commercial or industrial district of the City;

22 8. Sounds created by auxiliary equipment or motor vehicles used for
23 highway maintenance; and

24 9. Sounds created by warning devices or alarms not operated
25 continuously for more than thirty (30) minutes per incident.

26 ~~((B--The City Council intends to amend this chapter by enacting specific~~
27 ~~regulations for the following sounds, each which shall be exempt from the~~
28 ~~provisions of this chapter at all times until a specific amendment applying to~~
29 ~~that sound has been adopted.))~~

30 ~~((1r--Sounds created by the operation of equipment or facilities of~~
31 ~~surface carriers engaged in commerce by railroad.))~~
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1 ((2--Sounds-created-by-float-planes;-and))
2 ((3--Sounds-created-by-construction-equipment,-including-special
3 construction-vehicles-and-emanating-from-temporary-construction-sites,-if-the
4 receiving-property-is-located-in-a-commercial-or-industrial-district-of-the
5 City.))

6 Section 3. There is added to Chapter 25.08 of the Seattle Municipal Code
7 a new section as follows:

8 Section 25.08.535. SOUND EXEMPTIONS FOR PRIOR CONSTRUCTION PROJECTS.

9 Sounds created by equipment used in any construction project for which the
10 call for bids has commenced prior to the effective date of this ordinance are
11 exempt from the provisions of this chapter during the following periods of
12 time:

13 A. At all times if the receiving property is located in a nonresidential
14 district of the City; or

15 B. Between the hours of seven (7:00) a.m. and ten (10:00) p.m. on
16 weekdays and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on
17 weekends if the receiving property is located in a residential district of the
18 City.

19 Section 4. Chapter 25.08.540 of the Seattle Municipal Code (Ordinance
20 106360, Section 602, as last amended by Ordinance 108498, Section 1) is amended
21 as follows:

22 Section 25.08.540. SOUNDS EXEMPT DURING DAYTIME HOURS - GENERALLY.

23 A. The following sounds are exempt from the provisions of this chapter
24 between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekdays and
25 between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends:

26 1. Sounds created by bells, chimes, or carillons not operating for
27 more than five (5) minutes in any one (1) hour;

28 2. Sounds originating from officially sanctioned parades and other
29 public events;

30 3. Sounds created by the discharge of firearms on legally established
31 shooting ranges;
32
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1 4. Sounds created by blasting;
2 5. Sounds originating from forest harvesting and silviculture
3 activity and from commercial agriculture if the receiving property is located
4 in a residential district of ((King County)) the City. The administrator is
5 authorized to promulgate regulations which extend the hours during which this
6 exemption is in effect to conform with operating hours designated by the
7 Washington State Department of Natural Resources in directing an official fire
8 closure.

9 ((B. -- The City Council intends to amend this chapter by enacting specific
10 regulations for the following sounds, each of which shall be exempt from the
11 provisions of this chapter between the hours of seven (7:00) a.m. and ten
12 (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten
13 (10:00) p.m. on weekends, until a specific amendment applying to that sound has
14 been adopted.))

15 ((1. -- Sound created by construction equipment, including special
16 construction vehicles, and emanating from temporary construction sites, if the
17 receiving property is located in a rural or residential district in King
18 County.))

19 ((2. -- Sounds created by the installation or repair of essential
20 utility services.))

21 ((3. -- Sounds created by maintenance operations on public facilities.))

22 ((4. -- Sounds created by powered equipment used in temporary or
23 periodic maintenance or repair of residential property, including grounds and
24 appurtenances, such as lawn mowers, powered hand tools, snow removal equipment,
25 and composters.))

26 Section 5. Section 25.08.080 of the Seattle Municipal Code (Ordinance
27 106360, Section 204) is amended as follows:

28 Section 25.08.080. CONSTRUCTION.

29 "Construction" means any site preparation, assembly, erection, demolition,
30 substantial repair, maintenance, alteration, or similar action for or of public
31 or private rights-of-way, structures, utilities, or similar property.
32
33

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

(To be used for all Ordinances except Emergency.)

Section 6. Ordinance 111458 is hereby superseded.

Section 7. EFFECTIVE DATE.

This ordinance shall take effect and be in force upon the occurrence of the following conditions; whichever is later:

A. Thirty (30) days from and after its passage and approval, if approved by the Mayor otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter; and

B. The effective date of approval by the Department of Ecology pursuant to RCW 70.107.060(4).

Section 8. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the day of, 19 ..,
and signed by me in open session in authentication of its passage this day of, 19 ..

President of the City Council.

Approved by me this day of, 19 ..

Mayor.

Filed by me this day of, 19 ..

Attest:
City Comptroller and City Clerk.

(SEAL)

Published

By
Deputy Clerk.

NOTICE: IF THE DOCUMENT IN THIS FORM IS NOT USED IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE **111458**

AN ORDINANCE relating to noise control, amending Seattle Municipal Code Chapter 25.08 by adding Sections 25.08.425 and 25.08.535 to regulate noise caused by construction and equipment operations, and amending Section 25.08.530 (Ordinance 106360, Section 601, as last amended by Ordinance 110047, Section 3), Section 25.08.540 (Ordinance 106360, Section 602, as last amended by Ordinance 108498, Section 1), and Section 25.08.080 (Ordinance 106360, Section 204).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Chapter 25.08 of the Seattle Municipal Code a new section as follows:

Section 25.08.425. Construction and Equipment Operations.

A. The maximum permissible sound levels established by Section 25.08.410 and 25.08.420, as measured from the real property of another person or at a distance of 50 feet from the equipment, whichever is greater, may be exceeded by no more than the following dB(A)s for the following types of equipment:

1. 25 dB(A) for equipment on construction sites, including but not limited to crawlers, tractors, dozers, rotary drill and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors, compressors, and pneumatic powered equipment;

2. 20 dB(A) for portable powered equipment used in temporary locations in support of construction activities or used in the maintenance of public facilities, including but not limited to chain saws, log chippers, lawn and garden maintenance equipment, and powered hand tools; or

3. 15 dB(A) for powered equipment used in temporary or periodic maintenance or repair of the grounds and appurtenances of residential property, including but not limited to lawn mowers, powered hand tools, snow-removal equipment, and composters.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 B. Sounds created by impact types of construction equipment, includ-
2 ing but not limited to pavement breakers, pile drivers, jack hammers, sand
3 blasting tools, or by other types of equipment or devices which create im-
4 pulse noise or impact noise or are used as impact equipment, as measured at
5 the property line or 50 feet from the equipment, whichever is greater, may
6 exceed the maximum permissible sound levels established in Subsection A of
7 this section in any one hour period between the hours of eight a.m. and
8 five p.m. on weekdays and nine a.m. and five p.m. on weekends, but in no
event to exceed the following:

- 9 1. Leq 90 dB(A) continuously;
10 2. Leq 93 dB(A) for 30 minutes;
11 3. Leq 96 dB(A) for 15 minutes; or
12 4. Leq 99 dB(A) for 7.5 minutes; provided that
13 sound levels in excess of Leq 99 dB(A) are prohibited unless authorized by
14 variance obtained from the administrator; and provided further that sources
15 producing sound levels less than 90 dB(A) shall comply with subsection A of
16 this section during those hours not covered by this subsection B.

17 The standard of measurement shall be a one (1) hour Leq. Leq may be
18 measured for times not less than one (1) minute to project an hourly Leq.
19 Reference to one (1) hour is for measurement purposes only and shall not be
20 construed as limiting construction to a one (1) hour period.

21 These subsections A and B shall be reviewed periodically by the City to
22 assure that the sound level limits are technically feasible.

23 C. The maximum permissible sound levels established in subsection B
24 of this Section may be increased by 5dB(A) when sound levels are measured
25 with an impulse sound level meter operated consistently with Section
26 25.08.680.
27
28

1 D. Construction activity that exceeds the maximum permissible sound
2 levels established by Section 25.08.410, when measured from the interior of
3 buildings within a commercial district, is prohibited between the hours of
4 eight a.m. and five p.m. For purposes of this subsection D interior sound
5 levels shall be measured only after every reasonable effort, including but
6 not limited to closing windows and doors, is taken to reduce the impact of
7 the exterior construction noise.

8 Section 2. Section 25.08.530 of the Seattle Municipal Code (Ordinance
9 106360, Section 601, as amended by Ordinance 110047, Section 3) is
10 amended as follows:

11 25.08.530 Sounds Exempt at all Times.

12 A. The following sounds are exempt from the provisions of this
13 chapter at all times:

14 1. Sounds originating from aircraft in flight, and sounds which ori-
15 ginate at airports and are directly related to flight operations;

16 2. Sounds created by safety and protective devices such as relief
17 valves, where noise suppression would defeat the safety release intent of
18 the device;

19 3. Sounds created by fire alarms;

20 4. Sounds created by emergency equipment and emergency work necessary
21 in the interests of law enforcement or of the health, safety or welfare of
22 the community;

23 5. Sounds created by the discharge of firearms in the course of
24 lawful hunting activities;

25 6. Sounds created by natural phenomena;

26 7. Sounds originating from forest harvesting and silvi-culture acti-
27 vity and from commercial agriculture, if the receiving property is located
28 in a commercial or industrial district of the City;

8. Sounds created by auxiliary equipment on motor vehicles used for
((highway)) maintenance;

9. Sounds created by warning devices or alarms not operated con-
tinuously for more than thirty minutes per incident;

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1 10. Sounds created in accordance with the terms of a valid permit to
2 operate a solid waste disposal site issued by the Seattle-King County
3 Department of Public Health; and

4 ~~((B. The City Council intends to amend this chapter by enacting speci-~~
5 ~~fic regulations for the following sounds, each of which shall be exempt~~
6 ~~from the provisions of this chapter at all times until a specific amendment~~
7 ~~applying to that sound has been adopted.))~~

8 ~~((1. Sounds created by the operation of equipment or facilities of sur-~~
9 ~~face carriers engaged in commerce by railroad;))~~

10 ~~((2. Sounds created by float planes; and))~~

11 ~~((3. Sounds created by construction equipment; including special~~
12 ~~construction vehicles and emanating from temporary construction sites, if~~
13 ~~the receiving property is located in a commercial or industrial district of~~
14 ~~the city.))~~

15 Section 3. There is added to Chapter 25.08 of the Seattle Municipal
16 Code a new section as follows:

17 Section 25.08.535 Sounds Exemptions for Prior Construction Projects.

18 Sounds created by equipment used in any construction project for which
19 the call for bids has commenced prior to the effective date of this ordi-
20 nance are exempt from the provisions of this chapter:

21 A. If the receiving property is located in a nonresidential district
22 of the City; or

23 B. If, between the hours of seven a.m. and ten p.m. on weekdays and
24 between the hours of nine a.m. and ten p.m. on weekends, the receiving pro-
25 perty is located in a residential district of the City.

26 Section 4. Chapter 25.08.540 of the Seattle Municipal Code (Ordinance
27 106360, Section 602, as last amended by Ordinance 108498, Section 1) is
28 amended as follows:

29 25.08.540. Sounds Exempt During Daytime Hours - Generally.

30 A. The following sounds are exempt from the provisions of this
31 chapter between the hours of seven a.m. and ten p.m. on weekdays and be-
32 tween the hours of nine a.m. and ten p.m. on weekends:

- 1 1. Sounds created by bells, chimes, or carillons not operating for
2 more than five minutes in any one hour;
- 3 2. Sounds originating from officially sanctioned parades and other
4 public events;
- 5 3. Sounds created by the discharge of firearms on legally established
6 shooting ranges;
- 7 4. Sounds created by blasting; and
- 8 5. Sounds originating from forest harvesting and silvi-culture activ-
9 ity and from commercial agriculture if the receiving property is located in
10 a residential district of ((King County)) the City. The Administrator is
11 authorized to promulgate regulations which extend the hours during which
12 this exemption is in effect to conform with operating hours designated by
13 the Washington State Department of Natural Resources in directing an offi-
14 cial fire closure.

15 ~~((B. The City Council intends to amend this chapter by enacting speci-
16 fic regulations for the following sounds, each of which shall be exempt
17 from the provisions of this chapter by: on the hours of 7:00 a.m. and
18 between the hours of 9:00 a.m. and 10:00 p.m. on weekends, until a specific
19 amendment applying to that sound has been adopted:))~~

20 ~~((1. Sound created by construction equipment, including special con-
21 struction vehicles, and emanating from temporary construction sites, if the
22 receiving property is located in a rural or residential district in King
23 County.))~~

24 ~~((2. Sounds created by the installation or repair of essential public
25 utility services;))~~

26 ~~((3. Sounds created by maintenance operations on public facilities;))~~

27 ~~((4. Sounds created by powered equipment used in temporary or periodic
28 maintenance or repair of residential property, including grounds and appur-
tenances, such as lawn mowers, powered handtools, snow removal equipment,
and composters.))~~

Section 5. Section 25.08.080 of the Seattle Municipal Code (Ordinance
106360, Section 204) is amended as follows:

25.08.080 Construction.

"Construction" means any site preparation, assembly, erection, demolition, substantial repair, maintenance, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.

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(To be used for all Ordinances except Emergency.)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 5... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 12th day of December, 1983,
and signed by me in open session in authentication of its passage this 12th day of
December, 1983.

James D. Williams
President of the City Council.

Approved by me this 16th day of December, 1983.
Charles Rogers
Mayor.

Filed by me this 16th day of December, 1983.

Attest: Gina Hill
City Comptroller and City Clerk.

(SEAL)

Published.....

By: Theresa Dunbar
Deputy Clerk.

City of Seattle

ORDINANCE 11458

AN ORDINANCE relating to noise control; reenacting Ordinance 111458, as modified and amended, and amending Seattle Municipal Code Chapter 25.08 by adding Sections 25.08.42 and 25.08.535 to regulate noise caused by construction and equipment operations, and amending Sections 25.08.530, 25.08.540 and 25.08.680.

WHEREAS, on December 12, 1983 Ordinance 111458 was passed by the City Council and approved by the Mayor on December 11, 1983; and

WHEREAS, it was subsequently discovered that prior to passage there had been an inadvertent failure to review Ordinance 111458 pursuant to the State Environmental Policy Act (SEPA) and the City SEPA Ordinance; and

WHEREAS, the City has now completed the necessary environmental review and desires to reenact Ordinance 111458 essentially unchanged, with some minor modifications to SMC Section 25.08.425 in order to correct an inadvertent omission; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Ordinance 111458 is hereby reenacted, as modified and amended, and there is added to Chapter 25.08 of the Seattle Municipal Code a new section as follows:

Section 25.08.425. CONSTRUCTION AND EQUIPMENT OPERATIONS.

A. The maximum permissible sound levels established by Section 25.08.410 and 25.08.420, as measured from the real property of another person or at a distance of fifty (50) feet from the equipment, whichever is greater, may be exceeded between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends, by no more than the following dB(A)s for the following types of equipment:

1. 25 dB(A) for equipment on construction sites, including but not limited to crawlers, tractors, dozers, rotary drill and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenches, compactors, compressors, and pneumatic powered equipment;
2. 20 dB(A) for portable powered equipment used in temporary locations in support of construction activities or used in the maintenance of public facilities, including but not limited to chain saws, log chippers, lawn and garden maintenance equipment, and powered hand tools; or
3. 15 dB(A) for powered equipment used in the temporary or periodic maintenance or repair of the grounds and appurtenances of residential property, including but not limited to lawn mowers, powered hand tools, snow-removal equipment, and composters.

B. Sounds created by impact types of construction equipment, including but not limited to pavement breakers, pile drivers, jack hammers, sandblasting tools, or any other types of equipment or devices which created impulse noise or impact noise or is used as impact equipment, as measured at the property line or fifty (50) feet from the equipment, whichever is greater, may exceed the maximum permissible sound levels established in Subsection A of this section in any one (1) hour period between the hours of eight (8:00) a.m. and five (5:00) p.m. weekdays and nine (9:00) a.m. and five (5:00) p.m. weekends, but in no event to exceed the following:

1. Leq 90 dB(A) continuously;
2. Leq 93 dB(A) for thirty (30) minutes;
3. Leq 96 dB(A) for fifteen (15) minutes;
4. Leq 99 dB(A) for seven and a half (7.5) minutes;

provided that sound levels in excess of Leq 99 dB(A) are prohibited unless authorized by variance obtained from the administrator; and provided further that sources producing sound levels less than 90 dB(A) shall comply with Subsection A of this section during those hours not covered by this Subsection B.

The standard of measurement shall be one (1) hour Leq. Leq may be measured for times not less than one (1) minute and used to project an hourly Leq. Reference to one (1) hour is for measurement purposes only and shall not be construed as limiting construction to a one (1) hour period.

These Subsections A and B shall be reviewed periodically by the City to assure that the sound level limits are

technically feasible.

C. The maximum permissible sound levels established in Subsection B of this section may be increased by 5 dB(A) when sound levels are measured with an impulse sound level meter operated consistently with Section 25.08.680.

D. Construction activity that exceeds the maximum permissible sound levels established by Section 25.08.410, when measured from the interior of buildings within a commercial district, is prohibited between the hours of eight (8:00) a.m. and five (5:00) p.m. For the purposes of this Subsection D, interior sound levels shall be measured only after every reasonable effort, including but not limited to closing windows and doors, is taken to reduce the impact of the exterior construction noise.

Section 2. Section 25.08.530 of the Seattle Municipal Code is amended as follows:

Section 25.08.530. SOUNDS EXEMPT AT ALL TIMES.

A. The following sounds are exempt from the provisions of this chapter at all times:

1. Sounds originating from aircraft in flight, and sounds which originate at airports and are directly related flight operations;
2. Sounds created by safety and protective devices such as relief valves, where noise suppression would defeat safety release intent of the device;
3. Sounds created by fire alarms;
4. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;
5. Sounds created by the discharge of firearms, the course of lawful hunting activities;
6. Sounds created by natural phenomena;
7. Sounds originating from forest harvesting and silviculture activity and from commercial agriculture, if receiving property is located in a commercial or industrial district of the City;
8. Sounds created by auxiliary equipment or motor vehicles used for highway maintenance; and
9. Sounds created by warning devices or alarms not operated continuously for more than thirty (30) minutes per incident.

((B: The City Council intends to amend this chapter by enacting specific regulations for the following sounds, each which shall be exempt from the provisions of this chapter at all times until a specific amendment applying to that sound has been adopted:))

((1: Sounds created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad;))

((2: Sounds created by float planes; and))

((3: Sounds created by construction equipment, including special construction vehicles and emanating from temporary construction sites, if the receiving property is located in a commercial or industrial district of the City;))

Section 3. There is added to Chapter 25.08 of the Seattle Municipal Code a new section as follows:

Section 25.08.535. SOUND EXEMPTIONS FOR PRIOR CONSTRUCTION PROJECTS.

Sounds created by equipment used in any construction project for which the call for bids has commenced prior to the effective date of this ordinance are exempt from the provisions of this chapter during the following periods of time:

A. At all times if the receiving property is located in a nonresidential district of the City; or

B. Between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends if the receiving

property is located in a residential district of the City.
Section 4, Chapter 25.08.540 of the Seattle Municipal Code is amended as follows:

Section 25.08.540. OUNDS EXEMPT DURING DAYTIME HOURS--
GENERALLY.

A. The following ounds are exempt from the provisions of this chapter between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends:

1. Sounds created by bells, chimes, or carillons not operating for more than five (5) minutes in any one (1) hour;
2. Unamplified sounds originating from officially sanctioned parades and other public events;
3. Sounds created by the discharge of firearms on legally established shooting ranges;
4. Sounds created by blasting;
5. Sounds originating from forest harvesting and silviculture activity and from commercial agriculture if the receiving property is located in a residential district of ((King County)) the City. The administrator is authorized to promulgate regulations which extend the hours during which this exemption is in effect to conform with operating hours designated by the Washington State Department of Natural Resources in directing an official fire closure.

((B. The City Council intends to amend this chapter by enacting specific regulations for the following sounds, each of which shall be exempt from the provisions of this chapter between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekends and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekdays, until a specific amendment applying to that sound has been adopted:))

((1. Sound created by construction equipment, including special construction vehicles, and emanating from temporary construction sites, if the receiving property is located in a rural or residential district in King County.))

((2. Sounds created by the installation or repair of essential utility services.))

((3. Sounds created by maintenance operations on public facilities.))

((4. Sounds created by powered equipment used in temporary or periodic maintenance or repair of residential property, including grounds and appurtenances, such as lawn mowers, powered hand tools, snow removal equipment, and composters.))

Section 5. Section 25.08.080 of the Seattle Municipal Code is amended as follows:

Section 25.08.080. CONSTRUCTION.

"Construction" means any site preparation, assembly, erection, demolition, substantial repair, maintenance, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.

Section 6. EFFECTIVE DATE.

This ordinance shall take effect and be in force upon the occurrence of the following conditions, whichever is later:

A. Thirty (30) days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter; and

B. The effective date of approval by the Department of Ecology pursuant to RCW 70.107.060(4).

Passed by the City Council the 28th day of July, 1986, and signed by me in open session in authentication of its passage this 28th day of July, 1986.

SAMSMITH,
President of the City Council.

Approved by me this 5th day of August, 1986.

CHARLES ROYER,
Mayor.

Filed by me this 5th day of August, 1986.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By MARGARET CARTER,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, August 7, 1986. (C-391-N)

2

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

C-391-X

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a
Ordinance No. 112976

was published on August 7, 1986

R. Spicuzza

Subscribed and sworn to before me on

August 7, 1986

Barbara P. Jones
Notary Public for the State of Washington,
residing in Seattle.

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